

Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the independence of judges and lawyers; and the Special Rapporteur on extrajudicial, summary or arbitrary executions

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the independence of judges and lawyers; and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2, 26/7, and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **killing of lawyer Mr. Tahir Elçi**, head of the Bar Association of Diyarbakir. Mr. Elçi had worked as a human rights lawyer since the early 1990s. In this capacity, he defended many families of victims of human rights violations, including enforced disappearances and extrajudicial executions allegedly committed by State agents. He also brought many cases before the European Court of Human Rights. He was the recipient of the International Bar Association Award for Outstanding Contribution by a Legal Practitioner to Human Rights in 2014.

According to the information received:

On 28 November 2015, Mr. Tahir Elçi, a well-known human rights lawyer and head of the Bar Association of Diyarbakir, was shot dead shortly after he had delivered a press statement in what was reported as a 'gun battle' between police officers and unidentified armed men in the old town of Diyarbakir. The exact circumstances of his death are unclear and it is reportedly not known if Mr. Elçi was caught in cross-fire or targeted by the assailants.

Mr. Elçi had been addressing the press calling for an end to violence between Turkish security forces and the Kurdistan Workers Party (the PKK). During his address, he had reportedly said: “We do not want guns, clashes and operations here.”

On the same day, protests against the killing erupted in Ankara, Izmir, Diyarbakir and Istanbul, where the police reportedly used water cannons and tear gas to disperse the hundreds of demonstrators. A curfew has also reportedly been imposed in the district of Diyarbakir where Mr. Elçi was shot.

Mr. Elçi had been arrested and detained on 20 October 2015 in relation to his appearance on a CNN-Türk talk-show on 15 October 2015, where he had reportedly declared that the PKK should not be regarded as a terrorist organization, but rather as an armed political movement. His arrest had allegedly triggered international protest. He had been released by a court on the condition of not leaving the country until the end of the investigation against him. His prosecution was reportedly due to start in April 2016. After his appearance on the talk-show, it is reported he had also received death threats.

These events took place after violence had resumed in July 2015 between Turkish security forces and the PKK when the ceasefire in place for two years had collapsed.

We express serious concern about the killing of human rights lawyer Mr. Tahir Elçi. We express further concern at the possible ‘chilling effect’ his death could have on both the lawyers’ and human rights defenders’ communities, including their exercise of their right to freedom of opinion and expression, as well as the possible negative impact on the general human rights situation in the region.

We acknowledge the determination expressed by the Turkish authorities in shedding light on the killing of Mr. Tahir Elçi, and, in this context, we wish to urge your Excellency’s government to carry out a thorough, independent and transparent investigation and bring those responsible to justice, in full compliance with Turkey’s international human rights obligations.

In this context, we would like to draw the attention of your Excellency’s Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

In this connection, we would like to bring to the attention of your Excellency’s Government the UN Basic Principles on the Role of Lawyers, according to which Governments shall ensure that lawyers are able to perform all of their professional

functions without intimidation, hindrance, harassment or improper interference, and shall adequately safeguard the security of lawyers where it is threatened.

We would also like to remind to your Excellency's Government that articles 6(1) of the International Covenant on Civil and Political Rights (ICCPR), ratified by Turkey on 23 September 2003, and article 3 of the Universal Declaration of Human Rights guarantee the right to every individual to life and security and provide that no one shall be arbitrarily deprived of his/her life. According to Principle 9 of the Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (ECOSOC Res/1989/65), there shall be thorough, prompt and impartial investigation of all suspected cases of extra-legal, arbitrary and summary executions.

Finally, we also refer to article 19 of the ICCPR which guarantees the right to freedom of opinion and expression.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

It is our responsibility under the mandate provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your observations and any comment you may have on the above-mentioned allegations.

In view of the urgency of the situation, we would also appreciate receiving updated information on the initial steps taken by your Excellency's Government in the investigation of the killing for Mr. Tahir Elçi.

We also inform your Excellency's Government that we will publicly express our concerns and call for a prompt and independent investigation in the near future. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issues in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

David Kaye
Special Rapporteur on the promotion and protection of the right to
freedom of opinion and expression

Mónica Pinto
Special Rapporteur on the independence of judges and lawyers

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